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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/980,231

04/11/2002

Harry Gozlan

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EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

11/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/980,231	Applicant(s) GOZLAN, HARRY	
	Examiner Frantzy Poinvil	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/6/2007 have been fully considered but they are not persuasive.

Applicant's representative argues the Hawkins et al system allows for direct broker-to-broker trading that will automatically match an investor's order with an executing broker's confirmation and that Hawkins et al. automatically match an order and its confirmation after a transaction has been made.

In response, Hawkins et al teach matching, confirming an order and placing an order placed by brokers for execution.

Applicant then argues that their invention is suitable for use in over-the-counter (OTC) markets and can therefore be applied to "intrabank" or "extrabank" transactions and is referred the Examiner to page 18, lines 21-24 of their specification.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "over-the-counter market", "intrabank" or "extrabank") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's representative then argues that Hawkins et al process broker-to-broker transactions whereas their claimed inventions are directed to users- to-users transactions.

In response, it should be noted that the claims do not differentiate a user from a broker and the claims that the brokers of the system of Hawkins et al are considered as "users" of the system of Hawkins et al as such does not differentiate from the claimed language of "users".

2. The claims as amended do not change the scope of the claims since the instant amendment is merely to correct the 112 second paragraph rejection that was made in the prior Office action.
3. The prior Office action is repeated below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hawkins et al (US Patent No. 6,029,146).

As per claims 1 and 11, Hawkins et al disclose a method and apparatus for trading securities electronically. The system and method comprise at least one central server including collection and storage means to collect, in real or pseudo-real-time, orders to buy and sell placed by user, computer processing means to compile and aggregate by price orders subject to terms of validity, the computer processing means comprising management means to manage the terms by only taking into account valid orders, in such a way that an optimized and homogeneous offer is thus obtained.

The server center being connected via an IT communications network particularly to the Internet type, to the computer terminals, in such a way that the users receive the orders and data sent by the server center; the computer processing means of the server center including analysis means to match compatible orders and indicate that a transaction may occur between users placing the relevant orders. Applicant is directed to column. 4, line 64 to column 5, line 18, column 9, lines 52-65, column 12, lines 59-67.

As per claim 6, Hawkins et al disclose a process for processing, by mutual agreement, between users having computer terminals, orders to buy and sell relating to standard and/or specific financial instruments the process including the following stages:

- orders to buy and sell placed by users are collected in real or pseudo-real time;
- the orders are subject to terms of validity are compiled and aggregated by price, by managing said terms in such a way that only valid order are taken into account the orders are allocated to the users, the orders are matched when they are compatible, when two orders have

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been matched a transaction is made. Applicant is directed to column 4, line 64 to column 5, line 18, column 9, lines 52-65, column 12, lines 59-67.

As per claim 7, Hawkins et al disclose to match the orders users are selected who are able to negotiate between themselves and/or who are only able to negotiate certain instruments and/or who are only able to negotiate deals of a certain amount. See column 11 of Hawkins et al.

As per claim 2, Hawkins et al disclose a to match the compatible orders and indicate that a transaction may occur between users placing the relevant orders, the analysis means comprises selection means to select users who are able to negotiate between themselves and/or who are only able to negotiate certain instruments and/or who are only able to negotiate deals of a certain amount (see column 3, lines 25-38; column 15, lines 63-67 and figure 18).

As per claims 3 and 8, Hawkins et al disclose the computer processing means process the orders and associated financial instruments by managing:

the terms of existence of said orders, particularly in relation to internal and/or external conditions, for example the value of the CAC index, and/or

the parameters of said orders, particularly as a function of internal and/or external parameters, for example the price as a function of the date, and/or

by batching the orders and by placing batched orders, and/or

by seeking synthetic financial instruments to facilitate the conclusion of the orders placed, and/or

by seeking synthetic financial instruments to allow a designated group of users to negotiate a maximum number of orders with at least one other user.

See column 6, lines 25-45 and column 11, lines 1-9.

As per claims 4 and 9, Hawkins et al disclose the analysis means to match compatible orders and indicate that a transaction may occur include transmission means, particularly by fax, by e-mail or by telex, to confirm the transaction to each of the users concerned. See column 11, lines 47-56 and column 10, lines 19-33.

As per claims 5 and 10, Hawkins disclose the collection means comprise an Internet browser and collects data in real time or in pseudo-real time. See column 12, lines 59-67 and column 10, line 64 to column 11, line 9.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

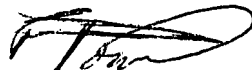
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Frantzy Poinvil
Primary Examiner
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